

REMARKS

This Office Action response responds to the Office Communication mailed on July 08, 2010. Applicant respectfully requests reconsideration of this application in view of the following remarks.

Claims 1-62 are pending in this application. Claims 1, 9, 17, 46, 49 and 57 have been amended.

The support for the amendment to claims can at least be found on page 18, line 21 – page 20, line 16 and page 28, line 27 – page 29, line 1 of the instant specification.

No new claim has been added. Claims 1-62 shall remain pending following the entry of this response. Further examination and reconsideration of the presently claimed application is respectfully requested.

Claim Rejections – 35 USC § 103

The Examiner stated that claims 1-7, 9-10, 12-18, 20-32, 34-46 and 48-62 are rejected under 35 USC § 103(a) as being anticipated by O'Brien et al. (US 6587831, hereinafter O'Brien, in view of Swart, et al. (US 6,330,594 hereafter Swart).

Applicant respectfully submits that the references fail to teach or suggest each and every element of the claims. For example, the references fail to teach or suggest “an attendance module coupled to the schedule generator configured to define data representing employee attendance utilizing said work schedule data and data regarding whether employees are present in the workplace for a given shift, and configured to provide the data representing the employee attendance to the schedule generator” as recited in claim 1.

In rejecting claim 4, the Examiner concedes that O'Brien fails to disclose “an attendance module configured to utilize said work schedule data and data regarding which workers are present in the work place for a given shift to define data representing worker attendance, and configured to provide the data representing the worker attendance to the schedule generator” as recited in the original (now cancelled) claim 4 but refers to column 4, line 59 – column 5, line 14 of Swart as teaching these features:

Data acquisition systems, which use servers such as the Amano CS500N, are used by many business in the private and public sector for monitoring applications such as monitoring working time and attendance of employees, access control applications (e.g., monitoring access to certain

high security rooms), shop floor data collection applications and machine monitoring. These systems include real-time data input devices or data collection readers such as card swipes, data entry readers, turnstiles, garage parking gates, etc. connected to real-time server units. The server units interface with external systems such as PCs, networks and UNIX systems and can monitor, for example, employee activities at a work site by tracking a plurality of real-time events such as entry and exits through given access doors, turnstiles, vehicle barriers, etc. Such systems can monitor and record numerous single transactions per second and can maintain very large amounts of data for immediate access.

Since the cartridges 20 are software programs, as explained below, the cartridges are stored locally on the respective computers that are a part of the overall networked system for storage, management and manipulation of real-time data coordinated via the real-time data acquisition server 40.

Claim 1 requires that the data representing employee attendance is defined based on at least two parameters, 1) utilizing said work schedule data and 2) data regarding whether employees are present in the workplace for a given shift. The above cited paragraphs from Swart certainly teaches monitoring working time and attendance of employees but completely fails to teach or suggest defining a data representing employee attendance based on the above two parameters as required by claim 1.

Accordingly, for at least these reasons, Applicant submits that claim 1 and its dependents are allowable over the combination of O'Brien and Swart and request withdrawal of this rejection. Independent claims 9, 17, 46, 49 and 57 include similar elements as claim 1 that are not taught by O'Brien and Swart as indicated above. These elements include "defining data representing worker attendance utilizing a work schedule data and data regarding whether employees are present in the workplace for a given shift."

For at least these reasons, Applicant submits that claims 9, 17, 46, 49 and 57, as well as their dependents are also allowable over the combination of O'Brien and Swart and request withdrawal of this rejection.

Regarding claim 26, Applicant submits that the combination of O'Brien and Swart fails to teach "determining an output based on the input and based on determining whether the signing-up employee is listed an employee violations sub-database to decline, accept and/or to modify the signing-up employee work shift according to the employee violations sub-database" as recited in claim 26.

In rejecting claim 26, the Examiner concedes that O'Brien does not directly teach an employee violations module but refers to column 4, line 59 – column 5, line 14; column 3, line 60 – column 4, line 19 and column 5, lines 39 – 48 of Swart as teaching this feature:

column 3, line 60 – column 4, line 19 of Swart teaches:

In another aspect of the present invention, a computer-based method of accessing acquired schedule data over a multi-tiered computer network having a client tier, an application tier and a database tier. Each tier is adapted to interface with one or more respective client cartridges, application cartridges and data cartridges, and the computer network enabling communications among the cartridges. Desirably, the method comprises the steps of: (a) acquiring schedule information through one or more data collection readers; (b) transferring the schedule data from the data collection readers to a data acquisition server; (c) storing the schedule data within the data acquisition server; (d) inputting at a client computer a request for information based on the acquired data, the request being formatted by at least one client cartridge selected from a predetermined selection of available cartridges; (e) transferring from the client computer one or more application commands indicative of the request for information via the computer network to an application server; (f) performing at the application server one or more database manipulation functions on the acquired data by running at least one application program provided by at least one application server cartridge selected from a predetermined selection of available cartridges; and (g) transferring from the application server to the client computer via the computer network information indicative of the results of the database manipulation functions on the acquired data.

column 5, lines 39 – 48 of Swart teaches:

Preferably, a selection of custom application cartridges can be provided to perform different and separate functions rather than using only a single application cartridge. For instance, for time and attendance systems, specialized application cartridges can be provided such as Daily Edits, Scheduling, Shifts and Payroll. Namely, a Daily Edits cartridge provides access to historical information about employees' working patterns, shifts and hours. A Scheduling cartridge provides access to future scheduling of the employees.

As discussed above with regard to claim 1, column 4, line 59 – column 5, line 14 of Swart certainly teaches monitoring working time and attendance of employees, but fails to teach anything about employee violations. Column 3, line 60 – column 4, line 19 of Swart certainly teaches performing at the application server one or more database manipulation functions on the acquired data by running at least one application program provided by at least one application server cartridge, but fails to teach performing the database

manipulations based on employee violations. Column 5, lines 39 – 48 of Swart certainly teaches that the Scheduling cartridge provides access to future scheduling of the employees, but again fails to teach anything about employee violations or modifying an employee work shift based on employee violations.

Moreover, Claim 6 requires that determining an output is based on at least two parameters; 1) the input by a signing up employee and 2) determining whether the signing-up employee is listed an employee violations sub-database. The cited paragraphs from Swart completely fail to teach determining such an output based on both the above two parameters.

Accordingly, for at least these reasons, Applicant submits that claim 26 and its dependents are allowable over the combination of O'Brien and Swart, and request withdrawal of this rejection.

Regarding claim 34, Applicant respectfully submits that the combination of O'Brien and Swart fails to teach "determines whether said response received is subject of an employee violations record and not available to accept said response" as recited in claim 34. In rejecting claim 34, the Examiner concedes that O'Brien does not directly teach determining whether a response is subject of an employee violations record, but refers to column 4, line 59 – column 5, line 14; column 3, line 60 – column 4, line 19 and column 5, lines 39 – 48 of Swart as teaching this feature.

As discussed above these paragraphs fail to teach anything about employee violations and thus certainly fail to teach determining whether a response received from an employee is subject of an employee violations record and not available to accept said response. The cited paragraphs do not suggest this feature in any way.

Accordingly, for at least these reasons, Applicant submits that claim 34 and its dependents are allowable over the combination of O'Brien and Swart, and request withdrawal of this rejection.

Regarding claim 39, Applicant respectfully submits that the combination of O'Brien and Swart fails to teach or suggest "comparing the at least a first input including said employee schedule data and the at least a second input including said employee status data and to determine an output as established based on the received first input and received

second input, the output including a difference therebetween" and "routing the output data representing the difference to the scheduling system" as recited in claim 39.

In rejecting claim 39, the Examiner concedes that O'Brien fails to directly teach these features but relies on column 5, lines 50-51 as teaching both these features:

"A Shift cartridge allows manipulation of the shifts available to the employees."

Applicant respectfully submits that clearly this single sentence does not teach any one of the above two features.

Also the examiner does not address the feature of "monitoring said employee status of violation data in an employee violations sub-database and comparing with data representing the difference" as recited in claim 39. This is because neither O'Brien nor Swart teach or suggest this feature.

Accordingly, for at least these reasons, Applicant submits that claim 34 and its dependents are allowable over the combination of O'Brien and Swart, and request withdrawal of this rejection. Claims 61 and 62 include similar limitations as claim 39 that are not taught in the references. Therefore, Applicant submits that claims 61 and 62, as well as its dependents are also allowable over the combination of the references of record.

For the reasons set forth above, Applicant believes that claims 1, 9, 17, 26, 34, 39, 46, 49, 57, 61 and 62 are in condition for allowance and respectfully requests they and all claims depending therefrom be passed to allowance.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at any time.

Respectfully submitted,

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